

AMENDED IN SENATE JULY 1, 2009
AMENDED IN ASSEMBLY JUNE 1, 2009
AMENDED IN ASSEMBLY APRIL 27, 2009
AMENDED IN ASSEMBLY MARCH 26, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 245

Introduced by Assembly Member Ma

February 10, 2009

An act to amend Section 2027 of the Business and Professions Code, relating to physicians and surgeons.

LEGISLATIVE COUNSEL'S DIGEST

AB 245, as amended, Ma. Physicians and surgeons.

Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Existing law requires the board to post certain information on the Internet regarding licensed physicians and surgeons, including, but not limited to, felony convictions, certain misdemeanor convictions, and whether or not the licensees are in good standing. Existing law requires that certain information remain posted for 10 years and prohibits the removal of certain other information.

This bill would require the board to remove expunged misdemeanor or felony convictions, posted pursuant to those provisions, within 90 days of receiving ~~notice~~ *a copy of the expungement order from the licensee*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 2027 of the Business and Professions Code is amended to read:

2027. (a) The board shall post on the Internet the following information in its possession, custody, or control regarding licensed physicians and surgeons:

(1) With regard to the status of the license, whether or not the licensee is in good standing, subject to a temporary restraining order (TRO), subject to an interim suspension order (ISO), or subject to any of the enforcement actions set forth in Section 803.1.

(2) With regard to prior discipline, whether or not the licensee has been subject to discipline by the board or by the board of another state or jurisdiction, as described in Section 803.1.

(3) Any felony convictions reported to the board after January 3, 1991.

(4) All current accusations filed by the Attorney General, including those accusations that are on appeal. For purposes of this paragraph, “current accusation” shall mean an accusation that has not been dismissed, withdrawn, or settled, and has not been finally decided upon by an administrative law judge and the board unless an appeal of that decision is pending.

(5) Any malpractice judgment or arbitration award reported to the board after January 1, 1993.

(6) Any hospital disciplinary actions that resulted in the termination or revocation of a licensee’s hospital staff privileges for a medical disciplinary cause or reason.

(7) Any misdemeanor conviction that results in a disciplinary action or an accusation that is not subsequently withdrawn or dismissed.

(8) Appropriate disclaimers and explanatory statements to accompany the above information, including an explanation of what types of information are not disclosed. These disclaimers and statements shall be developed by the board and shall be adopted by regulation.

(9) Any information required to be disclosed pursuant to Section 803.1.

(b) (1) From January 1, 2003, the information described in paragraphs (1) (other than whether or not the licensee is in good standing), (2), (4), (5), (7), and (9) of subdivision (a) shall remain

1 posted for a period of 10 years from the date the board obtains
2 possession, custody, or control of the information, and after the
3 end of that period shall be removed from being posted on the
4 board's Internet Web site. Information in the possession, custody,
5 or control of the board prior to January 1, 2003, shall be posted
6 for a period of 10 years from January 1, 2003. Settlement
7 information shall be posted as described in paragraph (2) of
8 subdivision (b) of Section 803.1.

9 (2) The information described in paragraphs (3) and (6) of
10 subdivision (a) shall not be removed from being posted on the
11 board's Internet Web site. Notwithstanding the provisions of this
12 paragraph, if a licensee's hospital staff privileges are restored and
13 the licensee notifies the board of the restoration, the information
14 pertaining to the termination or revocation of those privileges, as
15 described in paragraph (6) of subdivision (a), shall remain posted
16 for a period of 10 years from the restoration date of the privileges,
17 and at the end of that period shall be removed from being posted
18 on the board's Internet Web site.

19 (c) Notwithstanding subdivision (b), the board shall remove an
20 expunged misdemeanor or felony conviction posted pursuant to
21 this section within 90 days of receiving ~~notice of the expungement~~
22 *a copy of the expungement order from the licensee.*

23 (d) The board shall provide links to other Web sites on the
24 Internet that provide information on board certifications that meet
25 the requirements of subdivision (b) of Section 651. The board may
26 provide links to other Web sites on the Internet that provide
27 information on health care service plans, health insurers, hospitals,
28 or other facilities. The board may also provide links to any other
29 sites that would provide information on the affiliations of licensed
30 physicians and surgeons.